

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**DANIEL BUSKEN**

**vs.**

**CITY OF GREENVILLE, TEXAS**

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**CIVIL ACTION NO. 3:19-cv-2808**

**PLAINTIFF’S RESPONSE TO DEFENDANT’S  
MOTION FOR SUMMARY JUDGMENT AND BRIEF IN SUPPORT OF (dkt #21 & 22)**

**SUMMARY**

Daniel Busken, Plaintiff in the above-entitled cause, hereby responds to Defendant City’s Motion for Summary Judgment and Brief in Support of Its Motion for Summary Judgment (dkt#21 & 22), pursuant to Fed. R. Civ. Proc. 56. IN accordance with Local Rule 56.3(b), each of the required matters contained in Local Rule 56.3(a) are set forth in Plaintiff’s Brief in Support of Its Response to Defendant’s Motion for Summary Judgment. Plaintiff’s brief in support of its response is incorporated herein by reference for all purposes.

**APPENDIX**

Additionally, this response is accompanied by an appendix. Plaintiff relies on summary judgment evidence that is contained in an appendix and specially referenced in its brief in support of its response. The appendix to this response is incorporated herein by reference for all purposes. In this Response and the accompanying Brief in support thereof Plaintiff presents undisputed evidence that supports denying summary judgment to Defendant.

**CONCLUSION**

The competent summary judgment evidence establishes a prima facie case of each of Plaintiff’s claims pursuant to the ADEA, ADA, and FMLA.

The summary judgment evidence demonstrates the lack of credibility and the contradictory nature of Defendant's arguments.

Defendant's decision to discharge Plaintiff the day his FMLA is approved is startling in its brazenness.

This is especially so for a 35 year police officer with no discipline or reprimands while serving Defendant and its citizens for over eight years.

Defendant ignored its own written policies without explanation. Defendant made misrepresentations to Plaintiff about his status.

If ever a case needs to proceed to trial, this is one.

Plaintiff respectfully urges the Court to deny Defendant's motion for summary judgment and for such other relief Plaintiff may show himself entitled.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 23, 2021, a true and correct copy of the foregoing was forwarded electronically via the CM/ECF system in accordance with the FEDERAL RULES OF CIVIL PROCEDURE to:

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